

Jail Working Group
December 5, 2011
Minutes

The Jail Working Group (JWG) met on December 5, 2011, at 1:30 p.m. in Room 309, City-County Building, 316 N. Park Avenue, Helena, Montana.

Call to Order

Attendees included Commissioners Derek Brown, Commissioner Mike Murray, Chief Administrative Officer Eric Bryson, Sheriff Leo Dutton, Undersheriff Dave Rau, Chief Troy McGee, Chief Dale Aschim, Ast. Dir of Public Works, Kyle Thomas, John Ferrone and Rita Cortright. Commissioner Andy Hunthausen was absent.

Minutes Review and Approval

Mr. Bryson had draft minutes and hoped to complete the review this week.

Process Review

Data Evaluation

Other Topics

Mr. Bryson said the pressing issue today was the discussion on a proposed population cap for the Jail. In the Sheriff's absence, Undersheriff Dave Rau opened the discussion, explaining they had met and felt that 80 would probably be the number; however, it was so low that it would be met quickly and the County would end up paying Broadwater County to house the population overflow. The next step would be for Sheriff Dutton to respond to Broadwater County's proposed fee structure for housing inmates to determine if they would be willing to accept our offer of \$60/day across the board. Mr. Rau said a lot of coordination with Probation and Parole and the County Attorney's Office would be necessary to determine which inmates would qualify for transfer to Broadwater County. Commissioner Murray asked if there were adjudicated inmates in the jail that would be at the top of the list for transfer and Mr. Rau said there may be some, but he didn't immediately know the number. They would also look at cases that were awaiting sentencing; ones they knew would be there for a period of time. He cautioned that staff would need to stay on top of the daily jail population, and as space opened up, inmates would need to be brought back from Broadwater County to avoid unnecessary housing expense. Clear coordination with Broadwater County would be essential. Commissioner Brown suggested guidelines should be developed and implemented that take into account the cost of transport. Mr. Rau agreed flexibility would be necessary. He supported an unwritten rule that when the population reached 75, they would begin considering what steps to take for transfers and initiate a notification process. Commissioner Brown asked if inmates would be pre-classified. Mr. Rau said

Captain Dave Fradette would work closely with Probation & Parole and the County Attorney's Office on this topic. He reported on his conversation with Mike Menahan regarding why things were changing with the Public Defender's Office and why inmates were being held longer. He said in part it might be due to Randy Hood changing positions. He felt they were now so concerned with a person's rights that they were not moving them through in a very timely manner; that they wanted to work with every program to see if a person qualified before making the determination to do proceed to court. Mr. Rau was hopeful that Broadwater County would accept the \$60/day rate. Commissioner Brown said that what seemed to be a simple solution was actually complex; it would take some effort to make it operate smoothly. Mr. Bryson noted communication piece was very important; that before they made a move everyone had to be made aware of the plan. Commissioner Brown agreed that outlining the desirable traits of someone who would be transportable would provide the basis for developing guidelines. Mr. Rau said they had been through this process before, and felt it would work well.

Mr. Bryson recapped that the Sheriff's Department would create rules and a notification procedure for transferring inmates to Broadwater County. Setting the cap also required funding and he asked Mr. Rau if a funding source had been identified. Mr. Rau did not know specifically, but assumed it would come out of the Sheriff's Office budget. His goal was to make sure they were working every program and doing everything possible to avoid having to transfer inmates, and said, potentially, the liability issues could cost more than the cost to house inmates in Broadwater County. He said they would remain flexible, monitor the program and come back to the JWG if problems arose in the future. Commissioner Brown said the Commission and the Sheriff's Office would work together to identify funding. Commissioner Murray said budget adjustments were typically made in January, but felt this might be too soon; therefore, he proposed reviewing them in March or April. Mr. Bryson recommended keeping a total running tally of out-of-custody costs, including transport, and reviewing them monthly. Mr. Rau said Scott Lindgren currently tracks transport costs and was doing a very good job. Mr. Bryson asked if a sworn deputy and a detention officer normally accompanied transports, and Mr. Rau said it depended on the circumstances; they were very selective in who was assigned to transports. Commissioner Murray left the meeting for another commitment.

Mr. Rau reported that the VA planned to open another post-traumatic support center which might increase demand, as the Sheriff's Office has been receiving payment for transports. Mr. Bryson said if the practice changed, the County did not want to be on the hook for the cost. Commissioner Brown asked about the Interstate shuttle system and if it operated between Helena and Townsend. Mr. Rau said they were a partner in the Northwest Shuttle Program but did not specifically list the communities involved. Mr. Bryson asked how the Sheriff's Department would implement the cap. The Group discussed the pros and cons of issuing a media press release on setting a cap of 80. Commissioner Brown said the public message was that we had to run the jail by the amount of dollars it costs, and we had to make decisions based on the funding and the space availability. Sheriff Dutton joined the meeting. Mr. Bryson said we needed to be able justify the expense for incarcerating out-of-county folks. There was consensus among the JWG that this would be a management tool used to establish a population efficiency number that the Sheriff's Office would like to stay below. Mr. Bryson said the decision on who goes or doesn't go to jail rested with Law Enforcement. Commissioner Brown said from

a public safety perspective, space availability shouldn't affect the arrest policy and Mr. Rau agreed. Sheriff Dutton spoke about the three categories that were now routinely considered as cite and release, whereas in the past they would have been taken to jail. Commissioner Brown asked if there was a way that Helena, East Helena and the County could track the cite-and-release numbers. Chief McGee said it would be difficult as each report would have to be looked at, adding he would have to consider it further. Chief Aschim said it would be a little easier for him to track. Commissioner Brown said there were multiple parts to the process and one of the big ones was gaining public support. Mr. Bryson was not confident that the information could be determined, but a comparison of the number of citations versus the total number of bookings could be done. Chief McGee said 99.9 percent of felons went to jail. Commissioner Brown asked if the Criminal Justice System Overview report for Gallatin County gathered this information, and Mr. Bryson said it did not break out the data, but did identify specific categories of offenses that would likely be incarcerated. Commissioner Brown asked if everyone agreed that who was arrested was affected by space availability at the jail. The response was, yes, to a point. Chief Aschim spoke about the increased number of warrants that were showing up during routine traffic stops that did not necessarily result in an arrest. Mr. Bryson said the message needed to be that people that needed to go to jail were going to jail. Chief McGee agreed that that was the practice. Commissioner Brown speculated that the practice of cite and release tended to result in more habitual offenders. Chief McGee spoke about people who came in on Saturdays to serve their time and were turned away due to lack of space. They receive two day's credit, however. Sheriff Dutton said today's population was 62. Kyle Thomas noted the planned installation of an additional 21 bunks, which will clear up floor space but would not address the lack of floor space per inmate requirement. Commissioner Brown suggested that over the next couple of weeks, everyone jot down the advantages and disadvantages, from a site perspective, of locating the jail close to the Courthouse, or the advantages of another location. Mr. Thomas asked if the JWG had settled the question of whether we needed a jail versus a different type of minimum security facility. Mr. Bryson said the only determination made to date was that the current jail did not the needs. Commissioner Brown cautioned that as soon as the jail population was split into separate locations, the operational costs would increase quickly; the cost of staffing drives the cost of the operation. He said higher security space cost more to construct, but within one facility varying levels of security were possible as long as the work force was utilized appropriately. The lack of administrative segregation space in the jail and its impact on holding cell space was discussed. Commissioner Brown asked if the regular pods had camera surveillance and Mr. Rau said it was being installed; Pod 8 already had a camera. Mr. Thomas asked how many inmates were put through Justice Court in a week, versus District Court. Mr. Rau did not have the information readily available. Mr. Thomas said the Courthouse housed four District Courts and two Municipal Courts, and then East Helena and questioned the possibility of moving the Municipal Courts. Chief McGee said the problem was that the Courts were all interconnected. Video was utilized for almost all initial appearances, so location would not be a factor. Mr. Rau did not feel that separating the courts would be a good thing. Mr. Thomas said from a Public Works standpoint they were predicting that another District Court Judge would be needed in the near future, and somebody would have to be offset to make space available. Commissioner Brown spoke about the concept of creating a new facility close by and converting the existing facility into a Courthouse Annex. Sheriff Dutton spoke about the need for a grinder in the sewer system to eliminate the ability of flushing items that plugged the system.

Mr. Bryson recapped the list of tasks: 1) Developing individual lists of pros and cons of on-site versus off-site; including co-location. Commissioner Brown suggested there would be three separate columns of information. 2) The Sheriff's Dept. will create rules and notification procedures for transferring inmates after they accept and implement their administrative target. 3) Evaluating at least monthly the costs of out-of-county holds, including transport and actual costs for housing and medical. Commissioner Brown suggested scheduling a meeting between the Sheriff's Office and the BOCC to discuss budget possibilities. 4) Mr. Bryson and Sheriff Dutton will coordinate on drafting a response to Broadwater County. 5) Mr. Bryson will attempt to reschedule a meeting between Judge Reynolds and the JWG, possibly on Dec. 20th. 6) The Sheriff's Dept. will make arrangements to tour Broadwater on Dec. 12, and the Missoula and Butte facilities on Dec. 16. Sheriff Dutton asked Mr. Bryson to contact Mr. McKittrick, as he would like to tour the Seattle facility, too. Mr. Bryson asked the Sheriff's Dept. to begin compiling a list of questions for the Broadwater facility tour. Commissioner Brown said he was still waiting for information from Brookfield and from Dave Schmitz on the County's Detention Facility.

Public Comment

Mr. Bryson invited John Ferrone, Ferrone Associates to address the group. Mr. Ferrone offered a couple of suggested names for the guidelines: Census Management for Community Safety and Jail Efficiency. Regarding the target levels, he recommended using "suggested protocol" or "available protocol" as opposed to "mandated or capped." He said at different levels there would be pre-identified processes to consider implementing. Mr. Thomas asked if Mr. Ferrone had seen documents of this type before, and he had not, in particular, with jail census. Mr. Ferrone cautioned that the JWG was discussing something they were all very familiar with, but at some point, in terms of community buy-in and understanding of what the challenges were related to the need for a new jail and the funding solutions, he suggested updating and bringing the community along in the process. He cautioned against having all the answers figured out here and then having to backtrack and catch the entire community up, as it would double the length of the process. Commissioner Brown offered to talk with TV and newspaper people to see if a series could be developed on the jail process. Sheriff Dutton confirmed the paper wanted to write a series. Mr. Ferrone suggested starting with the moment of an arrest or citation, explaining the differences, and on through the initial booking and adjudication, with each component being an educational piece. He explained that when components and bottlenecks were discussed, and how changes in one area impacted another, the broader community would better understand the system approach. Sheriff Dutton said we were missing the CJCC and Mr. Bryson said their role was to provide that more easily understood process review/public discussion, and he would attempt to set a meeting with Judge Reynolds, possibly on December 20th.

Next Meeting Agenda and Date

The next meeting is scheduled for December 12th, 1:30 p.m. in Room 309.

The meeting adjourned at 2:45 p.m.